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ABSTRACT

This report of the Senate Committee on Energy and Natural Resources recommends that appropriations be authorized for the Historically Black Colleges and Universities (HBCUs) Historic Building Restoration and Preservation Act (H.R. 2921), as amended. The bill provides the authorization necessary to appropriate funds for structures located on the campuses of HBCUs that are listed on the National Register of Historic Places or that are designated a National Historic Landmark. The bill provides authorization for the use of $10 million for grants to 11 projects identified as the most historically significant and critically threatened structures and $5 million to Fisk University, to be funded through the Historic Preservation Fund. The report outlines the bill's legislative history, Committee recommendations and tabulation of votes, Committee amendments, a section-by-section analysis, cost and budgetary considerations, regulatory impact evaluation, and communications from the Department of the Interior. (JDD)

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ED 371 698

Calendar No. 450

103D CONGRESS *2d Session* | SENATE | REPORT 103–279

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION ACT

MAY 25 (legislative day, MAY 16), 1994.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 2921]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 2921) to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities, having considered the same, reports favorably thereon with amendments and recommends that the Act, as amended, do pass.

The amendments are as follows:

1. On page 2, beginning on line 23, strike subsection (a) in its entirety and insert in lieu thereof the following:

> (a) AUTHORITY TO MAKE GRANTS.—The Secretary of the Interior shall administer a program of grants-in-aid in accordance with this section to eligible historically black colleges and universities for the preservation and restoration of historic buildings and structures on the campuses of these institutions. Such grants shall be made, subject to the availability of appropriations therefore, from the amounts authorized to be appropriated to carry out the National Historic Preservation Act for the fiscal years 1995 through 1998.

2. On page 4, after line 18, insert the following new paragraph:

> (4) If less than $20 million is made available in fiscal year 1995 for the purpose of paragraph (1), such amount shall be allocated as follows:

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(A) 25 percent of such amount shall be made available for grants to Fisk University as provided in paragraph (2);

(B) 50 percent of such amount shall be made available as provided in paragraph (3); and

(C) 25 percent of such amount shall be made available for grants under subsection (a) to other eligible historically black colleges and universities.

PURPOSE OF THE MEASURE

The purpose of H.R. 2921, as ordered reported, is to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities.

BACKGROUND AND NEED

Many of the historic structures located on the campuses of historically black colleges and universities (HBCUs) are threatened and a significant effort is needed to preserve and protect them. These structures represent the hopes and achievements of a group of people previously denied equal opportunity and justice and who succeeded despite the imposition of almost insurmountable legal and social obstacles.

In September of 1987, the Office of Historically Black College and University Programs within the Department of the Interior developed a proposal for a project designed to restore and preserve historic structures on the campuses of HBCU's. In 1988, a special survey to identify candidates for inclusion in the program generated responses from 46 HBCUs nominating 144 structures for consideration. In 1991, then Secretary of the Interior Manuel Lujan announced the National HBCU Historic Preservation Initiative. The Secretary, in cooperation with the United Negro College Fund (UNCF), eventually selected eleven of the most historically significant and critically threatened structures which will require an estimated $20 million to restore and preserve the structures. UNCF has agreed to match a Federal contribution of $10 million for this HBCU Historic Preservation Initiative. The projects to be funded under the program are as follows: Gaines Hall, Morris Brown College, Atlanta, GA; Leonard Hall, Shaw University, Raleigh, NC; Hill Hall, Savannah State College, Savannah, GA; St. Agnes, St. Augustine's College, Raleigh, NC; The Mansion, Tougaloo College, Tougaloo, MS; White Hall, Bethune-Cookman College, Daytona Beach, FL; Graves Hall, Morehouse College, Atlanta, GA; Howard Hall, Howard University, Washington, DC; Virginia Hall, Hampton University, Hampton, VA; Packard Hall, Spelman College, Atlanta, GA; and Lookerman Hall, Delaware State College, Dover, DE.

Section 2 of the Historic Sites Act of 1935 authorizes the Secretary to restore and preserve non-Federal historic properties. Under amendments adopted last Congress, funds appropriated for such non-Federal properties may not be obligated unless the appropriation has been specifically authorized by law. H.R. 2921 would provide the authorization necessary to appropriate funds for structures located on the campuses of HBCUs that are listed on the National Register of Historic Places or that are designated a National Historic Landmark.

H.R. 2921 authorizes a grant program administered by the Secretary, to be funded through the Historic Preservation Fund, for the preservation and restoration of historic buildings and structures at eligible HBCUs. The Historic Preservation Fund is authorized at $150 million each fiscal year through 1997, and the total amount authorized but unappropriated for the Fund since FY 1997 remains available until appropriated. H.R. 2921 provides authorization for the use of a portion of such funds for preservation projects specifically at HBCUs.

Of the amounts authorized for FY 1995 pursuant to H.R. 2921, $5 million is made available for a grant to Fisk University, and $10 million is made available for grants to those 11 projects identified above. Since 1989, Fisk University has been working to restore five of the nine buildings on that campus listed on the National Register of Historic Places with appropriated Park Service funds. When the nominations for the HBCU Historic Preservation Initiative were submitted, Fisk chose not to participate. Fisk was already receiving Federal funds and elected not to apply for additional appropriations so that other worthy projects could be considered. The remaining restoration requirements at Fisk will be accommodated by the $5 million authorized under H.R. 2921.

LEGISLATIVE HISTORY

H.R. 2921 passed the House of Representatives by voice vote on November 23, 1993. Companion legislation, S. 1975, was introduced by Senator Moseley-Braun on March 24, 1994. The Subcommittee on Public Lands, National Parks and Forests held a hearing on H.R. 2921 on April 21, 1994.

At the business meeting on May 11, 1994, the Committee on Energy and Natural Resources ordered H.R. 2921, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and National Resources, in open business session on May 11, 1994, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 2921, if amended as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley [1]	
Mr. Bingaman [1]	
Mr. Akaka	
Mr. Shelby [1]	
Mr. Wellstone [1]	
Mr. Campbell	
Mr. Mathews	
Mr. Dorgan	
Mr. Wallop	
Mr. Hatfield	

Mr. Domenici [1]
Mr. Murkowski
Mr. Nickles [1]
Mr. Craig
Mr. Bennett [1]
Mr. Specter [1]
Mr. Lott

[1] Indicates voted by proxy.

COMMITTEE AMENDMENTS

During the consideration of H.R. 2921, the Committee adopted two clarifying amendments. The first amendment clarifies that any grants made pursuant to this Act are subject to the appropriations process. The second amendment clarifies the distribution of the amount appropriated for the grant program.

SECTION-BY-SECTION ANALYSIS

Section 1 states that the Act may be cited as the "Historically Black Colleges and Universities Historic Building Restoration and Preservation Act".

Section 2 contains Congressional findings.

Section 3 (a) authorizes a grant program administered by the Secretary, through the Historic Preservation Fund and subject to the appropriations process, for the preservation and restoration of historic buildings and structures at eligible HBCUs. The Committee expects that amounts appropriated pursuant to this new authority will be in addition to any amounts appropriated for other purposes under the Historic Preservation Fund.

Subsection (b) places certain conditions on the grants awarded under this Act. No alterations may be made in the property receiving Federal funds without the concurrence of the Secretary and reasonable public access to the property receiving such grants must be permitted for interpretive and educational purposes.

Subsection (c) stipulates that the Secretary may provide grants for structures listed on the National Register of Historic Places only if the grantee agrees to match with non-Federal funds an amount equal to or greater than the grant. However, the Secretary may waive this matching requirement if the Secretary determines that an extreme emergency exists or if such a waiver is in the public interest to assure the preservation of historically significant resources. There is no matching requirement for structures that have been designated as National Historic Landmarks.

Subsection (d) authorizes from the Historic Preservation Fund not more than $20 million for FY 1995, and not more than $15 million annually for fiscal years 1996, 1997, and 1998, for the purposes of this Act. Of the amounts authorized for FY 1995, $5 million is made available only for a grant to Fisk University, and $10 million is made available only for grants to those projects identified for inclusion in the Department's HBCU Historic Preservation Initiative. This subsection further provides that if less than $20 million is made available in FY 1995, then 25 percent of the such funds shall be made available for grants to Fish University, 50 percent shall be made available for grants to those projects identified for inclusion in the Department's HBCU Historic Preservation Ini-

tiative, and the remaining 25 percent shall be made available only for grants to other eligible historically black colleges and universities.

The Committee understands that Fish University needs $5 million to complete its restoration projects and expects that, if less than $5 million is appropriated for FY 1995 for this purpose, additional amounts will be appropriated in FY 1996 to meet Fisk University's needs and complete this worthwhile project.

Subsection (e) requires the Secretary to promulgate such regulations as may be necessary to carry out this Act.

Section 4 provides definitions of historically black colleges and universities as well as historic buildings and structures. Historic buildings and structures are defined as buildings or structures listed on the National Register of Historic Places or designated as National Historic Landmarks.

COST AND BUDGETARY CONSIDERATION

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 11, 1994.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2921, the Historically Black Colleges and Universities Historic Building Restoration and Preservation Act, as ordered reported by the Senate Committee on Energy and Natural Resources on May 11, 1994. We estimate that implementation of this act would cost the federal government $65 million over the 1995–1998 period, assuming appropriation of the authorized funds. The act would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 2921 would direct the Secretary of the Interior to make matching grants to historically black colleges and universities for restoring and preserving buildings on their campuses. For this purpose, the Secretary would be directed to use amounts appropriated from the Historic Preservation Fund (HPF). The act would limit HPF appropriations for this program to no more than $20 million for 1995 and $15 million for each of the three following years.

On November 19, 1993, CBO prepared a cost estimate for H.R. 2921, the Historically Black Colleges and Universities Historic Building Restoration and Preservation Act, as ordered reported by the House Committee on Natural Resources on November 10, 1993. The estimated costs for the two versions of the bill are identical.

Enactment of this legislation would have no impact on the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

ROBERT D. REISCHAUER, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 2921. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 2921, as ordered reported.

EXECUTIVE COMMUNICATIONS

On April 13, 1994, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 2921. These reports had not been received at the time the report on H.R. 2921 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF JERRY L. ROGERS, ASSOCIATE DIRECTOR, CULTURAL RESOURCES NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Good afternoon, Mr. Chairman. Thank you for the opportunity to present the Department of the Interior's views on S. 1975 and H.R. 2921, both of which direct the Secretary of the Interior to make matching grants to Historically Black Colleges and Universities for preservation and restoration of properties on their campuses that are listed on the National Register of Historic Places or are National Historic Landmarks. Under these bilis, grants would be made under authority of section 2 of the Historic Sites Act of 1935.

We support enactment of S. 1975, if it is amended to delete paragraph d (2)(A)(ii)(I) of section 4; and H.R. 2921, if it is amended to delete paragraph d (2) in section 3. We have previously testified to the latter before the House Natural Resource Committee. These sections provide specifically for grants of up to $5 million in FY95 only for Fisk University in Tennessee.

These bills would authorize appropriations of not more than $20,000,000 for fiscal year 1995 and not more than $15,000,000 for each of the fiscal years 1996, 1997, and 1998 for preservation efforts at Historically Black Colleges and Universities. Of the amount appropriated in FY95, $5 million would be available for grants only to Fisk University and $10 million would be available only for grants to those historically black colleges and universities identified in the Department of the Interior's Historically Black College and University Historic Preservation Initiative. The

remaining dollars in all fiscal years can be used for preservation and restoration of appropriate structures at any historically black college or university.

Section 2 of the Historic Sites Act of 1935 authorizes the Secretary to restore and preserve non-Federal historic properties through cooperative agreements. Under amendments adopted on October 30, 1992, funds appropriated for such non-Federal properties may not be obligated unless the appropriation has been specifically authorized by law. The effect of S. 1975 and H.R. 2921 would be to provide the authorization necessary to obligate funds for certain non-Federal properties—in this case specifically for National Register and National Landmark properties on the campuses of historically black colleges and universities.

The National Park Service through the Department's Historically Black College and University Historic Preservation Initiative has identified 11 properties that meet the National Register/National Landmark requirement and that would be appropriate for direct financial assistance under these bills. Fisk University was not among those identified.

We also recommend a technical amendment to clarify that the requirement for the Secretary to make grants is subject to the availability of appropriated funds. This can be done by inserting the words "subject to appropriation" after the words, "shall make grants" in sections 4(a) and 4(d)(1).

Funding for this bill would be subject to the Administration's budgetary priorities consistent with the Omnibus Budget Enforcement Act of 1990.

This concludes my prepared testimony, Mr. Chairman. I would be pleased to answer any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 2921, as ordered reported.

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